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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MARGUERITE L. MARTIN II,

10 Plaintiff,

11 v.
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13 UNITED STATES OF AMERICA, et al.,

14 Defendants.

Case No. C19-9RSM

ORDER TO SHOW CAUSE

15 This matter comes before the Court *sua sponte*. Plaintiff Marguerite L. Martin II filed
16 her Complaint on January 4, 2019, against Defendants the United States of America and the
17 State of Washington. Dkt. #1. On March 22, 2019, the Court issued an Order granting an
18 extension of time for Plaintiff to serve Defendants and an extension of time for the Court's
19 deadlines set forth in the prior Order Regarding Initial Disclosures and Joint Status Report.
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21 Dkt. #53. The Court stated as follows:

22 The Court believes from the record that Plaintiff has failed to
23 properly serve Defendants. Plaintiff is advised to review the
24 requirements in Federal Rule of Civil Procedure 4(i) for service the
25 United States and 4(j) for service on a state government. Under
26 Rule 4(m), service is required within 90 days after the Complaint
27 was filed in this case. Because that deadline is quickly
28 approaching, and because of Plaintiff's medical condition, the
Court will now extend this deadline by an additional 30 days.
There will be no further extensions. . . . The deadline for service is

1 now May 4, 2019. Failure to properly serve a Defendant by this
2 date may result in dismissal of all claims against that Defendant.

3 Dkt. #53 at 2. Since that time, Defendant State of Washington has made an appearance through
4 counsel from the state Attorney General's Office. Dkt. #64. Defendant United States of
5 America has not appeared.

6 On June 20, 2019, Plaintiff Martin filed a purported Joint Status Report. Dkt. #66. This
7 was not a *joint* status report as no other party signed it or participated in its drafting. Ms. Martin
8 begins the status report by stating she has received correspondence from an assistant attorney
9 general for the State of Washington indicating that they had received the summons and
10 complaint by mail but that "the state does not consider this form of service to be proper" under
11 Rule 4(j)(2). *Id.* at 1. Plaintiff Martin indicates that she mailed summonses to both Defendants
12 but does not provide further details. *Id.* at 2.

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14 Federal Rule of Civil Procedure 4(m) states in part:

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16 If a defendant is not served within 90 days after the complaint is
17 filed, the court—on motion or on its own after notice to the
18 plaintiff—must dismiss the action without prejudice or order that
19 service be made within a specified time. But if the plaintiff shows
good cause for the failure, the court must extend the time for
service for an appropriate period.

20 Fed. R. Civ. P. 4(m).

21 The Court believes that one or more of the Defendants have still not been properly
22 served under Rule 4. Service by mail to a single address for each Defendant is likely inadequate
23 under that rule. Failure to timely serve is a valid basis for dismissal of this case without
24 prejudice.

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26 The Court needs to hear from Ms. Martin and the State of Washington on this issue. In
27 Response to this Order, the parties must each write a short statement telling the Court how
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1 service was accomplished and why service in this case is or is not proper. This Response may
2 not exceed **six (6) pages**.

3 Accordingly, the Court hereby finds and ORDERS that Plaintiff and Defendant the State
4 of Washington shall each file a Response to this Order to Show Cause containing the detail
5 above no later than **fourteen (14) days** from the date of this Order. Plaintiff's failure to file this
6 Response will result in dismissal of this case.
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9 DATED this 2 day of July 2019.

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12 RICARDO S. MARTINEZ
13 CHIEF UNITED STATES DISTRICT JUDGE
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